THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9290 of 2007

Dated: 30-04-2007

Between:

Varlothu Jayaram.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep.by its Secretary, Revenue Department,
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9290 of 2007

ORDER:

The petitioner along with five others filed W.P.No.21121 of 2005 seeking a writ of Mandamus declaring the action of the Mandal Revenue Officer (MRO), Visakhapatnam (North Urban Mandal),(third respondent herein) in not recommending their names for allotment of pucca houses being constructed under Valmiki Ambedkar Awaz Yojana (VAMBAY) Scheme in survey No.28 situated at Padda Waltair Village, Visakhapatnam. Said writ petition was disposed of on 29.11.2005 directing MRO to consider the applications of the petitioner and others for allotment of houses. Said writ petition was disposed of even before the Government could file a counter-

affidavit. Be that as it is, after disposal of said writ petition, MRO, after conducting enquiry passed orders, vide proceedings in RC.No.1832/05 A, dated: Nil, September, 2006, rejecting the claim of the petitioner and others for allotment of houses. In said proceedings, the reasons given so far as the petitioner is concerned are as under.

> The parents of Vorlothu Jayaram are having 3 sons and one daughter. Except Jayaram, the mother, brothers and sisters have been allotted with scheme houses. The peternal uncle of Sri Jayaram i.e., Sri Lingayya was also allotted scheme house bearing plot No.B/5GF, Door.No.2-34-4/12. He was unmarried and died. Hence, Sri Jayaram has occupied the house of Sri Lingayya and residing in that house at present. Sri Jayarm is professionally an electrical contractor, having TV and Refrigerator in his house and comes under the above poverty line.

Aggrieved by the same instant writ petition is filed.

MRO gave two reasons for rejecting the claim of the petitioner for allotment of house. Namely, that the petitioner is already in occupation of house bearing plot No.B/5GF, which was initially allotted to his paternal uncle late Lingayya, who died issueless. Secondly the petitioner is electrical contractor having TV and Refrigerator in his house and does not fall under the category of below poverty line persons. If the petitioner is aggrieved by such rejection, his remedy is in filing an appeal before the Revenue Divisional Officer (RDO) concerned and the writ petition is misconceived, especially when questions of facts are involved.

This writ petition is, therefore, dismissed giving liberty to the petitioner to approach RDO concerned by way of appeal. No costs.

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(**V.V.S.RAO, J**)

30th April, 2007

Note: Issue CC in one week.

B/o

ghn